

PRESBYTERY OF SANTA BARBARA

CHILD PROTECTION POLICY

I. Policy Statement

The focus of this child/youth protection policy is to ensure a safe, thriving, and nurturing environment for children and youth in our Presbytery and Presbytery-sponsored events. While this policy addresses sexual abuse, it is not restricted to that. It includes youth and children who are harmed through neglect, failure to supervise and through other children.

It is the policy of the Presbytery of Santa Barbara (“PSB”) that persons serving at any Presbytery sponsored ministry, mission trip or program are to maintain the integrity of the ministry, employment and professional relationships at all times. Persons, whether paid or volunteer, who engage in sexual misconduct or other mistreatment of persons under the age of 18 years are in violation of the principles set forth in Scripture and also of the ministry, pastoral, employment and professional relationships. It is never permissible or acceptable for a Presbytery officer, employee, Presbytery member, commissioned ruling elder, elected representative, contracted person or volunteer to engage in sexual misconduct or other mistreatment with youth or children.

The Presbytery has a separate Sexual Misconduct policy.

By action of the Presbyterian Church (U.S.A.) General Assembly, each congregation within the Presbytery is responsible to create and enforce a Child Protection Policy suitable to its own setting. (*Book of Order*, G-3.0106). The Session of each congregation is responsible for the supervision of its own personnel. This specific policy applies to events sponsored directly by the Presbytery, including Front Porch; child care at Presbytery meetings; and sponsored events, such as the Santa Barbara Mission Conference.

In the event of any inconsistencies between this document and the Constitution of the Presbyterian Church (U.S.A.), the Constitution of the Presbyterian Church (U.S.A.) shall take precedence.

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Distribution

Copies of this policy and its procedures shall be made available to all Presbytery and entity offices. This policy and its procedures should be made available to persons who accuse others of misconduct against children, including those who are or claim to be victims of such misconduct and their families.

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Definitions

Child sexual abuse includes, but is not limited to, any contact or interaction between a child and an adult when the child is being used for the sexual stimulation of the adult person or of a third person. The behavior may or may not involve touching. Sexual behavior between a child and an adult is always considered forced whether or not it is consented to by the child. In the Presbyterian Church (U.S.A.) (“PC(USA)”), the sexual abuse definition of a child is anyone under age eighteen. Child abuse also includes the physical neglect of a child, children, or youth, including failure to provide adequate supervision in relation to the activities of the presbytery.

Civil authorities are the governmental bodies, whether city, county, state, or federal, who are given the responsibility to investigate, criminally prosecute, and/or bring civil charges against individuals accused of sexual crimes or offenses against children.

Employee is the comprehensive term used to cover individuals who are hired or called to work for the Presbytery for salary or wages.

Entity is the term used to refer to any program or office managed by a board, committee, council, or other body whose membership is elected by this Presbytery.

Inquiry is the term used in the Rules of Discipline to determine whether charges should be filed based upon allegations of an offense received by Presbytery. See *Book of Order*, D-10.0000.

Mandated Reporter includes a person under the PC(USA) constitution who is mandated to report to the civil authorities any reasonably held belief that there will be future harm and is also described by the State of California laws as a person who is required to report any and all suspected incidents of child abuse, including child sexual abuse that come to their attention.

Persons covered by this policy include Presbytery members, Presbytery officers, employees and staff of the PSB. Members of congregations of PSB are subject to this policy when participating in PSB activities.

Presbytery when spelled with the initial letter capitalized refers to the Presbytery of Santa Barbara.

Presbytery member is a member of the Presbytery of Santa Barbara as defined by the Book of Order (G-3.0306). For purposes of this policy the term “Presbytery member” includes Commissioned Ruling Elders. When used without the adjective “Presbytery” the term *member* may refer to membership in other groups or organizations.

Response is the action taken by the PSB when a report of misconduct against a child is received. It may include (1) inquiry into facts and circumstances, (2) possible disciplinary action (administrative or judicial or both), (3) pastoral care for victims and their families and others, and (4) pastoral care and rehabilitation for the accused and care for their families.

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Sexual abuse as defined in the *Book of Order*: “Sexual abuse of another person is any offense involving sexual conduct in relation to (1) any person under the age of eighteen years or anyone over the age of eighteen years without the mental capacity to consent; or (2) any person when the conduct includes force, threat, coercion, intimidation, or misuse of ordered ministry or position” (*Book of Order*, D-10.0401c).

Sexual conduct is offensive, obsessive or suggestive language or behavior, unacceptable visual contact, unwelcome touching or fondling that is injurious to the physical or emotional health of another.

Sexual malfeasance; is defined by the broken trust resulting from sexual activities within a professional ministerial relationship that results in misuse of office or position arising from the professional ministerial relationship.

Sexual misconduct is the comprehensive term used in this policy to include *Child sexual abuse*

Stated Clerk whether or not written with initial capital letters shall refer to the stated clerk of PSB.

Victim is a child or youth alleged to have been harmed and/or abused by a person covered under this policy.

Volunteer is the term used for those who provide services for PSB. Volunteers include persons elected or appointed to serve on boards, committees, and other groups. For purposes of this policy volunteers are treated the same as employees.

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II. Standards of Conduct

The ethical conduct of all who minister in the name of Jesus Christ is of vital importance to the church because through these representatives an understanding of God and the gospel’s good news is conveyed. “Their manner of life should be a demonstration of the Christian gospel in the church and in the world” (*Book of Order*, G-2.0104).

The basic principles of conduct guiding this policy are as follows:

1. Misconduct with children is a violation of the role of all who are called upon to exercise integrity, sensitivity and caring in a trust relationship.
2. Misconduct with children is a misuse of authority and power that breaches Christian ethical principle by misusing a trust relationship to gain advantage over another for personal pleasure in an abusive, exploitative and unjust manner. It is the responsibility

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of all persons to maintain the appropriate roles, boundaries and relationships.

3. Misconduct takes advantage of the vulnerability of persons who are less powerful to act for their own welfare, including children. It is antithetical to the gospel call to work as God's servant in the struggle to bring wholeness to a broken world and violates the mandate to protect the vulnerable from harm.

The following acts are prohibited by this Policy and will not be tolerated or accepted during any Presbytery activity or program.

- Child sexual abuse as defined above.
- Sexual abuse as defined above.
- Sexual conduct as defined above.
- Sexual misconduct as defined above.
- Sexual Malfeasance as defined above.
- Misuse of technology; use of technology that results in sexually harassing or abusing another person, including texting or emailing suggestive messages and images to persons with whom one has a ministerial relationship. It is never appropriate to view pornography on Presbytery property. When this includes a person under the age of eighteen, it is considered child abuse. There is never an expectation of personal privacy when using technological equipment owned by Presbytery or within the context of ministry.

III. Responses to Allegations of the Abuse of a Child

In responding to allegations of the abuse of a child, Presbytery officers, employees, Presbytery members, elected representatives, contracted persons or volunteers shall seek healing and assure the protection of all persons. Where possible, the privacy of persons should be respected and confidentiality of communications should be maintained.

In responding to allegations of misconduct Presbytery officers, employees, Presbytery members, elected representatives, contracted persons or volunteers of the Presbytery should seek to uphold the dignity of all persons involved. This includes persons who are alleging harm, persons who are accused of misconduct, the families of each and the communities of each.

If the person accused of misconduct is no longer a Presbytery officer, employee, Presbytery member, elected representative, contracted person or volunteer, but the conduct occurred while the person was acting on behalf of the Presbytery, the Presbytery does not have jurisdiction to correct the behavior, but it does have a duty to hear the allegations of offense and to take measures to prevent future occurrences of harm. The Presbytery is a mandated reporter and will work in full cooperation with civil authorities.

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IV. Reporting Requirements

Any observations or personal knowledge of violations of this policy must be immediately reported to the director of the event or program and the stated clerk after the safety of the child, children, or youth involved has been assured. If a minister of the Word and Sacrament is alleged to have violated this policy the Rules of Discipline (Chapter X) (especially D-10.0106, with respect to administrative leave) of the Book of Order shall be followed. Any other person covered by this policy and alleged to be in violation this policy must immediately be reassigned to responsibilities without direct child contact. If investigation supports the accusations, the accused person will be suspended from participation in all children's and youth activities and programs of the Presbytery. Such suspension shall continue during any investigation by the Presbytery and/or law enforcement or child protection agencies.

The first person to learn of an incident of sexual misconduct shall not undertake an inquiry alone or question either the victim or the person alleged of the offense unless the incident is divulged in the process of pastoral care, counseling or a therapy session. If the victim is hesitant to talk to "higher authorities," the person who has received the initial report has a special pastoral responsibility to build trust and willingness to speak with the accuser, lest the church be unable to respond because no one is able to give firsthand information.

The person making the report of alleged sexual misconduct may be the person alleging harm or any member of PC(USA). The person receiving the initial report of allegations of sexual misconduct shall analyze the relationship of the person alleged to have engaged in sexual misconduct with the PC(USA) and shall work with the Stated Clerk of the Presbytery to make sure that the allegations of offense are filed with the Council (as defined in the Book of Order) having jurisdiction over the person alleged to have engaged in such activity.

If the report is made orally, the person receiving the report of allegations shall request that the person making the report of allegations place it in writing. A report of allegations of sexual misconduct in writing from a member of the PC(USA) alleging another member or officer of the Presbytery committed an offense must be acted on according to the Rules of Discipline of the *Book of Order*. If the Presbytery Stated clerk receives a report of allegations in writing from a nonmember of the PC(USA) alleging another member or officer of the PC(USA) committed sexual misconduct, the report also should be acted on according to the Rules of Discipline of the *Book of Order*. If the person who makes the report is unwilling or unable to place it in writing, any member of the PC(USA) may make the written statement that will automatically trigger the Rules of Discipline of the *Book of Order*.

If the person accused of misconduct with children is a Presbytery member, officer or employee of the Presbytery, a report shall also be made to the Presbytery Stated Clerk. When an allegation of offense of sexual misconduct has been received by the Stated Clerk of the Presbytery, the Clerk will report to the Personnel Committee that an offense has been alleged.

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Because a council or entity cannot control to whom the victim of sexual misconduct will speak first, it is important that officers, employees and persons highly visible to ministry participants and visitors understand how reports of incidents are channeled to the proper person. The allegations may come from persons who have or who do not have a formal relationship with the PC(USA) and may be made to a variety of officers or leaders within the PC(USA). It is the duty of these officers or leaders to see that any allegation of the abuse of a child is reported appropriately keeping in mind the mandatory reporting requirements for allegations of child abuse.

V. Mandatory Reporting of Child Abuse

Any member of the Presbytery engaged in ordered ministry and any certified Christian Educator employed by the Presbytery, shall report to ecclesiastical and civil authorities knowledge of harm, or the risk of harm, related to the physical abuse, neglect, and /or sexual molestation or abuse of a minor or an adult who lacks mental capacity when (1) such information is gained outside of a confidential communication as defined in G-4.0301, (2) she or he is not bound by an obligation of privileged communication under law, or (3) she or he reasonably believes that there is risk of future physical harm or abuse. (G-4.0302) These provisions of the *Book of Order* attempt to balance conflicting moral duties for persons in ordered ministry of the Presbytery. Councils and entities must cooperate with civil authorities in an investigation of child sexual abuse or other criminal sexual misconduct. Church disciplinary proceedings cannot interfere with a criminal investigation by civil authorities and may have to be suspended until these are completed.

VI. Specific Requirements for Presbytery Sponsored Events of Programs

At least two unrelated adults over the age of 18 will supervise all Presbytery sponsored programs and activities involving children and youth. Adults must remain in sight of one another at all times except in emergency situations. Adults in leadership roles are expected to avoid situations where they are alone with children and youth by having leadership teams of at least two adults for all activities. The presence of two or more adults prevents awkward circumstances where child abuse could occur or be alleged, allows shared leadership and facilitates appropriate discipline. The policy extends to all events. Under no circumstances can one adult alone take or accompany children or youth on an overnight outing.

Adults are to avoid one-adult, one-child situations. If it is necessary for a child to get home after an event, an effort should be made to contact the family and inform them of the situation before transporting the child. If it is necessary for an adult to drive alone with a child, the adult should notify another adult before and after the period during which he/she is alone with the child. It is permissible for one adult driver to transport several children and youth in a single vehicle in a convoy of vehicles traveling to or from an event. When one-on-one interactions between children and youth and employees/volunteers are necessary (e.g. in emergency situations or

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occasions of pastoral care), care must be taken to conduct the meeting in an environment that provides visibility by others.

In the case of the Front Porch Ministry (“Front Porch”) at San Luis Obispo, this campus outreach primarily ministers to those persons age 18 or older. However, there will occasionally be participants under the age of 18 who are covered by this policy. Background checks are required for all Presbytery employees assigned to the Front Porch Ministry. Background checks are required for any Front Porch volunteer who may have private contact with participants under the age of 18.

In the case of child-care at Presbytery Meetings and Presbytery Sponsored Events, the Presbytery will not allow a Presbytery event involving children or youth or where child care is offered to be held at a church unless the host church has a Child Protection Policy in place. The screening, selection and supervision process of child care workers will be the responsibility of the host church, under the conditions of that church’s Child Protection Policy.

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